

The Examiner states the following:

- (a) Claims 1-3 and 5-8 are classified in class 705, subclass 22;
- (b) Claim 10 is classified in class 345, subclass 764;
- (c) Claims 11-13 are classified in class 340, subclass 286.02;
- (d) Claims 14 and 15 are classified in class 719, subclass 320;
- (e) Claim 16 is classified in class 711, subclass 111;
- (f) Claim 17 and 18 are classified in class 705, subclass 26; and
- (g) Claim 19 is classified in class 705, subclass 500.

It is respectfully submitted that simultaneously examination of the pending claims will not present an undue burden, much less any burden. It should be noted that a previous primary examiner, Michael Cuff, was able to perform a search on all the claims without making a restriction requirement. This strongly indicates that a search of all claims is of no serious burden to the Examiner.

At the very least, Applicants respectfully submit that claims 1-3, 5-8 and 17-19 should be considered together because they belong to the same class 705. Searching under three subclasses on a limited number of claims is of no serious burden to the Examiner.

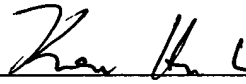
Class 705 refers to subject matter for performing data processing or calculating operations in which a charge for goods or services is determined. The pending claims include such data processing and/or calculating operations for dynamically setting the price of a product, which falls within the purview of class 705. Accordingly, no undue burden is presented by classifying the pending claims under the same class.

Further, initiating a restriction requirement at this point in the prosecution is substantially unfair to the Applicants because the requirement is made *after* action on the merits (see, 37 C.F.R. § 1.142(a): "Such requirement will normally be made *before* any action on the merits.").

Under the above circumstances, the Examiner is encouraged to maintain all claims in the same application. See MPEP § 803.

Respectfully submitted,

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